

COMMISSIONERS APPROVAL

ROKOSCH 

GRANDSTAFF

THOMPSON

CHILCOTT 

DRISCOLL 

PLETTENBERG (Clerk & Recorder)

Date.....November 26, 2007

Members Present..... Commissioner Jim Rokosch,
Commissioner Carlotta Grandstaff, Commissioner Alan Thompson, and Commissioner
Greg Chilcott

Minutes: Beth Perkins

Commissioner Driscoll participated in the Bitterroot Sentinell High School Teacher of
the Day.

The Board met with 9-1-1 Director Joanna Hamilton, IT Director Joe Frohlich, and Civil
Counsel Alex Beal in order to discuss the 9-1-1 Logisys contract and software. Also
present were Ken Miller and Mike Snook from GIS.

Joanna gave an overview of the issues they are having with the Logisys software. Joe
stated 9-1-1 has discussed having IT help with them with the data systems. He stated he
has not spoken with Logisys about the necessary conversions and having IT take over the
support. He has some concerns about overburdening his department as he was told it
would only take two to five hours a week but he does not know that for sure.

Commissioner Chilcott asked if the contract language addressed providing the support
needed. Joanna replied it does address a certain amount of support. She stated Logisys
assumed the County would have someone on staff solely for the implementation and
support of the program. Joe stated if this system is running as a trial basis, then they
should give it six months and see how it works out. Both he and GIS could look at a
program at that time. Commissioner Rokosch asked if the County has had this system for
a while and if they should be looking at another system. Joanna replied she has looked at
several different systems. They have sunk money into this system and it has a lot of data
that is irreplaceable. Commissioner Chilcott stated Logisys runs a 'big dog and pony
show'. One of their pitches was providing support and working out the issues with the
programming. He stated if they are in breach of contract the Commissioners need to

address that. Joanna stated she does not have the contract as the original contract is with the Sheriff's Office. Commissioner Chilcott stated they need to obtain a copy of the contract and have Civil Counsel review it.

Joanna stated they never had a CAD program before and right now they take two dispatchers out of work for a week in order to train on this system, and there are still problems.

Commissioner Rokosch asked Ken and Joe for their input. Joe stated he does not doubt Ken's ability to create a workable in-house program but it would require quite a bit of county time and resources. Ken stated he would retain ownership of his original work. It would be a database/GIS management program. He stated it would take some time to work up the program, but he guarantees it will not be a \$250,000 project.

Commissioner Chilcott stated the best case scenario would be the County recovers some of the cost by suing Logisys, and then have the capital to enter into a contract for services. Joe stated the smart move would be to see how much it would burden IT to take over the support. Joanna stated Helena Dispatch has the system but they also have a full time support tech.

Commissioner Chilcott stated he does not want to spend taxpayers' money for tech support that could be included in the contract. Alex stated he will obtain a copy of the contract and work with Joe. Commissioner Rokosch stated they should have some communication with Logisys before moving forward.

Commissioner Rokosch stated Joanna and Joe should work together in order to see what the needs of the dispatchers are. Alex stated he would like to participate in those discussions.

Under Sheriff Kevin McConnell was now present and stated the Sheriff's Office has experienced issues with Logisys in the past. It was frustrating not to obtain support when they are right down the street. He stated they would like to be included in the discussions since they are using it too. He suggested having the administrative staff document the issues with the system and present it to Alex and the Board.

Commissioner Rokosch asked Joanna if she has been documenting any instances where the system did not work when they needed tech support. Joanna replied yes, she has documented the last three years. Commissioner Chilcott asked if the software is owned could the contract be tweaked. Joanna replied if you talk to Logisys, it will cost you to tweak it. Commissioner Chilcott stated depending on the contract, Logisys could pay to train someone if support is included. Joanna stated she agrees.

Commissioner Rokosch stated he would like the Sheriff's Office to participate in the discussions. Alex asked how extensive the contract was. Kevin replied it is a very complex contract and lengthy.

Alex requested a couple of weeks to review the contract and compile the issues. He stated after that he will contact Logisys for a meeting in order to discuss the problems.

In other business the Board met for a discussion and decision on the issues involving Victor Park District and Victor Youth Athletics for the usage of the ball field. Present were Civil Counsel Alex Beal, Victor Park District Board Members Jim Webb, Anita Drewien and Ann Hayman and Bill Clark from Victor Youth Athletics, Robert Cron and John Ormiston from Ravalli County Park Board. Several citizens were also present.

Commissioner Rokosch called the meeting to order. He stated in terms of the Board of County Commissioners authority on the matter, it is really the Victor Park District who has separate authority. He stated as a Board it is beyond their jurisdiction. Civil Counsel Alex Beal concurred with Commissioner Rokosch's statement.

Bill Clark stated he would like to give a review of where they are and how they got there. Victor Youth Athletics is a non-profit organization. Their first contract was with the Board of County Commissioners itself. The people who volunteer time for the Victor Youth Athletics are blue collar working people. Most that are here had to request time off to attend this meeting today. He discussed the volunteers and their families. He pointed out the Vice President and described his duties and how he is a coach of the teams. Bill stated there are five teams in Victor. Bill further described the ball field competitions and what they have done in the past. Bill stated the volunteers not only do the coaching but also do the clean up and run the concession stands. In regard to the equipment they mean mitts, bats, gloves, balls, etc. He is not talking about tractors, lawnmowers, etc. Bill stated they need the volunteers and support from local businesses to survive.

Bill presented the Board with the agreement of how the Victor Park District was formed. He stated Victor Youth Athletics are under the umbrella of the Victor Park District. He presented an agreement that was drawn up between the District and Youth Athletics that just expired. He also presented the budget for the Victor Youth Athletics. It included a plan of how they obtain the money and what they will be spending it on. Bill stated in their spring meeting, they discuss their needs and decide on the budget. Bill discussed how in the past they have obtained help from the Ravalli County Park Board on several issues including easements. He stated they have cleared the ditches and installed fencing. He stated they still have improvement to make. Bill presented the request for the 2008 budget to the Victor Park District. He stated it includes fencing of the property owner adjacent to the field. On the west side there is the highway. He stated the primary concern today is the agreement and maintaining the agreement and the budget.

Jim Webb stated he is confused as why they are here. The Montana code 7-16-24 (23) states powers of a County Park District Commission. He read the code to the Board. Victor Park District did make a contract with the Victor Youth Athletics. He stated they provided \$9,000 to Bill to do the improvements to the park. Over the summer, the improvements did not get done. The Park has deteriorated over the summer. Jim stated they and Del Reynolds walked the park. Del pointed out several safety violations. He

stated they went to get bids to see how much it would cost to address the violations. In October's meeting, they decided to take the low bid and do the work which including the perimeter fencing. Jim stated they are not locking the kids out nor trying to keep them from playing ball. The Youth Athletic Group does not have any insurance. The group underneath them does have insurance while playing ball. The Victor Park District purchased insurance earlier this year to address the issue. They are trying to make the best, safe park.

Commissioner Rokosch requested everyone to keep their emotions in check as there are some differences of opinion and everyone should keep in mind what is best for the community in a respectful manner.

Michelle Buker stated she has been involved with Victor Youth Athletics. Most of the materials have been donated for repairs and maintenance. She has spent time mowing the fields and picking up trash. It hurts her to hear the park has deteriorated when all she has seen is improvement. She will continue taking her children there as long as she is welcome.

Elmer Hohulter stated he has maintained the Hamilton Ball Fields for 22 years. He stated he has walked the Victor Ball Fields with Bill Clark in regard to safety issues. They repaired the score board and did several other repairs.

Commissioner Rokosch asked if John Ormiston or Robert Cron would like to make a statement. John replied they are here to observe and do not have any comments at this time.

Theresa Baker stated she is the president of the Victor Garden Club. She asked Jim Webb why the Garden Club was terminated for no reason. She requested that response in writing.

Dave Meadow replied it came down to a budget issue. In regard to the ballfields he noted there were safety concerns raised regarding fencing in both interior and exterior areas of the fields. They also addressed the culverts. Both he, Jim and Del Reynolds did the walk through. They had to move forward with the fencing. There was misinformation put out regarding "locking of the gates" and that can be clarified with the minutes of the last Victor Park District meeting.

James Bouton stated he received a call from a Victor Park District Member stating they own the ballpark and they were going to lock it. He stated they called his wife at work requesting a pile of dirt be moved so they could install fence. The Sheriff's Office was called and several members of the Victor Park District and Association showed up. He asked what was going to happen and also noted he will continue to use the park until he is locked out.

Theresa presented a request to the Board stating Dave Meadows should not be on the Victor Park District. She stated since he became a trustee he has a biased opinion of the

Victor Garden Club. Commissioner Rokosch stated this has nothing to do with the issue today.

Commissioner Rokosch stated most of this can be addressed with a new agreement in regard to maintenance. He stated he is not sure what the parties involved expect from the Board of County Commissioners. He stated everyone needs to work together in a respectable manner for the children.

Eugene Aristad stated he is a resident and is not affiliated with the groups. There is a \$10 tax fee assessed between the Victor Garden Club, Victor Youth Athletics and activities. His tax dollars should not be sitting in the Park District, it should go to the kids. He stated the Park District takes the money and then sits on it.

Ellen Kittel of the Victor Athletic Association presented the Board with a statement of minutes indicating the intentions of the Victor Park District were to construct the fence and lock it. What they have is two entities trying to run the ballpark. She felt this is trumped up and creating trouble. She has agreed to submit receipts on a quarterly basis to the Park District for reimbursement. She stated she is not going to submit 2 receipts on a monthly basis. She is a volunteer and thus she has other things to do. All the people in Victor Youth Athletics are volunteers. She questioned a payment of \$3,000 that was due in October. She stated as of this date the payment had not been received. She stated no one could afford what has been done by the volunteers and donated materials. Victor Park District has never even said thank you. She is tired of the badgering from the Victor Park District.

Commissioner Thompson stated the County had worked before with the Park Board to donate the land for the ball fields. Victor Youth Athletics existed before the Park District. When the highway was proposed, they worked with the Victor Youth Athletics. They worked with MDOT and received \$100,000 for amenities such as lighting. He discussed the bike path and what transpired. He stated they did get an underpass so youth can access it. The problem exists within their community and they need to fix it. State Law says the Park District has the power. With discussion heard today, everyone wants what is best for the youth. He stated these two groups will have to sit down and work out their problems face to face. The Board of County Commissioners can't do anything about it. As Rodney King has stated "Can't we all just get along?" You are going to have to decide what to do. There are situations with safety that need to be addressed and it is Victor Park District's responsibility to address those issues.

Bill Clark requested an election of new Park District Members. Commissioner Chilcott stated the elections are done by State Law.

Commissioner Chilcott asked what the funding priorities of the Victor Park District were. Jim replied out of the \$13,000 received. \$9,000 went to Victor Youth Athletics and \$2,000 went to Victor Garden Club. The remaining \$2,000 went to the fencing.

Commissioner Chilcott asked about the \$25,000 in CDs. Anita replied the intent was when they formed the Park District, MDOT stated they would give them \$200,000 and landscaping when they put the highway in. They had to have money in the bank to get the \$200,000 however, it has been delayed. Commissioner Chilcott stated he believes it is a huge sum of money. Anita replied it is to maintain the lights, landscaping, mowing for a year. Anita stated the fencing was a follow through from the 1996 agreement with the Board of County Commissioners. The materials have been purchased and it was going to be completed until Bill Clark stopped it.

Commissioner Rokosch stated the Victor community is going to have to work this out. Commissioner Chilcott stated Victor Park District and Victor Youth Athletics need to work out an agreement in regard to maintenance. He stated the tax payers of Victor who have contributed the \$10 have expectations of how their money will be spent. He stated his personal opinion leans towards the kids.

Glenda Wiles stated the Commissioners' Office needs some direction in regard to the cease and desist order County Attorney George Corn gave in regard to locking the gate or fence. George had stated this is a public park and thus cannot be locked. Glenda indicated people are still calling expressing their worry about the fence being locked. Commissioner Rokosch stated the fence or gate will not be locked. Anita mentioned it was recommended by the Babe Ruth Association to lock the gates when the fields are not being used. Commissioner Rokosch stated George's opinion will be upheld.

Commissioner Chilcott asked why the \$3,000 disbursement had not been made. Ann replied she is waiting on a legal opinion before doing so. She stated the \$9,000 originally given to the Victor Youth Athletics was to include perimeter fencing. Since they had not done the fencing, now Victor Park District is paying for the materials to finish the fencing.

John Ormiston stated Victor Park District has jurisdiction over more than one park. If everyone in the Victor Park District resigned, the District would still be responsible for the parks.

Commissioner Rokosch stated the Board is unable to provide the level of resolution expected today. What is important is for everyone to remember the time and energy it takes to get things done. They need to take their energy and put it into getting this resolved.

Bill stated Victor Park District has obtained a lawyer. If it comes down to a court battle, Victor Youth Athletics will disband and cease to exist.

Gene Buroker stated he has a lot of friends in this room and has a real interest in this. He is the one who organized the group to work on the highway which was a long time ago. As for this highway, this should not be a ball park and a park board thing at all. He has a map showing how the highway has been planned. No one knows when it will happen. They had stated they are going to have asphalt throughout Victor. That started the focus

group for the Victor Park District. There was a plan made by WGM Group. They brought two bus loads of people to show them what was going to happen in Victor. He hates to see this contention. He would like to see the Ballpark people slide in under the Park Board. They should discuss what they can do to resolve these matters. When the construction happens, it will take money. They should work together to reach their goals. Commissioner Rokosch stated there are needs for the highway improvements.

Nick Gearhart stated his kids will get more use out of the ball park, breakfast in the park, the garden club, etc. than the highway anticipation. He does want to see a common goal met.

Steve Benuce stated he has seen what the park looked like before and what it looks like now. He stated he is concerned when Jim stating they are going to control access. He would like to see that in writing. The fencing seems fine to him as it exists. If money is the issue, then why spend money on fencing when it is not needed.

John stated they have openings on the Park Board and no one has applied. He stated if people don't participate in the meetings, they can't throw grenades after the fact. He suggested they forget the past and work together.

A member of the audience asked about the \$20,000 for the maintenance program. Ann replied it was their understanding from MDOT that just by having volunteers did not guarantee work on the highway. They received an estimate from Empire Landscaping for \$9,800 per year. They were told at the time that amount goes up 15% every year. That is why the budget amount is bigger. They are supposed to have it ready when MDOT starts the highway project. Commissioner Thompson stated he has received a MDOT schedule for Victor. Anita stated when they went forward on an RSID or a Park District it was Betty Lund's idea. The volunteers on the Park District have put in hours and hours. One certain volunteer has put in a multitude of hours and time and is not paid. If she was not there, there wouldn't be a Park District.

Commissioner Thompson stated yes, Victor depends on volunteers on both sides.

In other business the Board met with Johnson Controls to discuss the Energy Audit. Present were Internal Auditor Klarryse Murphy, Administrative Director Skip Rosenthal, and citizens.

Skip stated they have signed the agreement with Johnson Controls and did an assessment. They have made recommendations and they have identified some additional problems. Now they are at the point of finding funding options in order to proceed.

George Tocquigny from Johnson Controls gave a brief summary regarding performance contracting. He reviewed current operational costs, new operational costs and savings (Annual Capital Repayment). He discussed operational costs after capital repayment.

George then presented the Energy Performance Contracting Audit Preliminary Findings to date. He showed the PC Program Development Steps and broke it down to a Feasibility Study, Preliminary Development, Review and Prioritize Scope, Detailed Development, Final Project Review and Contract Review & Approval. He stated in the Program Development Phase the county obligation is a development fee of \$20,000 and JCI obligation is to confirm the project per agreed to parameters.

George discussed the Preliminary Audit Results Key Assumptions such as all facility improvements are considered as one project. There is a maximum of a 20-year payback which includes financing costs, 5-year measure and verification term, capital expenditure credit on all buildings except Youth Court totaling \$1.7 million, utility rebates of \$35,000, \$22,000 per year operation & maintenance savings, a 4% utility cost escalation over term, and 5% interest rate.

Jon Miller from Johnson Controls stated during the detailed development they had discovered a few things. One thing they discovered because of the piping is they can only provide 25% of the needed cooling. It will be cooler than the current groundwater, being a mechanical delivery. They do not want to set the expectation that it will be perfect. They want to bring this to the Commissioners attention before proceeding. For the museum, they have found asbestos in the floor tiles. Because of the cost of the abatement, they recommend a vertical floor pass steam boiler. In the Justice Center, they found over the years the basement has been built out. The structure does not meet code. There is no heating or cooling in it. They recommended leaving the space alone and extending the duct work. Jon discussed the evidence room area and it was requested to build a small cage area with a VAV box. Also to drop a VAV box in the Maintenance Room for heat.

George stated from a financial standpoint, with the impact of the findings, they do not feel there will be a great deal of variance in the contract pricing.

Commissioner Thompson stated there may be some changes in the offices in the Courthouse. The air exchanges must be handled right. He asked if there was any reason to not move forward. Jon replied it depends upon how the offices are split up. Commissioner Thompson discussed various plans for moving offices and asked how the comfort level would be affected. Jon replied it is based upon the capacity of the unit.

Commissioner Grandstaff stated there is a lot of storage area by the maintenance room. It is poorly used. She asked if it is something that can be upgraded.

George stated they guarantee capital costs. He stated they define what they are going to do ahead of time and the cost. They do not do multiple change orders.

Skip stated they can evaluate the lights, the condition of the lights, the lamps and wiring, etc. But they have to guess a bit on those areas that are not cut and dry. Those are the kind of things that whether or not you have a contract, you have to pay for. Jon stated they talked about it in the contract and will have to redefine the maintenance agreement. Skip stated it is a big commitment. It is a 20-year deal. Skip requested they have definite

plans about moving 9-1-1, WIC, Public Nurse, and Juvenile Detention. Discussion followed regarding future use of the basement in the Courthouse.

Jon stated they have been walking contractors through the building in order to discover any additional issues. Then they can crunch numbers and come back with definitive costs. George stated the City of Laurel has been financed in this type of endeavor as has Flathead County. He stated they are here to answer any questions. He requested Skip to nail down the space usage issue so they can come up with some final numbers. Commissioner Rokosch stated his concerns with the possible usage of the Youth Court building. Skip stated JCI can move forward at this time.

George showed the draft contract and the proposed contract approval schedule for December. Board discussion followed regarding issuing a RFP to lenders.